

# HOUSE BILL 1119

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By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2011

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Entertainment Permit**

3 **PG 311–11**

4 FOR the purpose of specifying that certain alcoholic beverages license holders in  
5 Prince George's County need not obtain an entertainment permit under certain  
6 circumstances; requiring a holder of an entertainment permit to meet all  
7 requirements under county law; clarifying that a certain prohibition is in effect  
8 when the privileges authorized by the entertainment permit are being  
9 exercised; making a certain stylistic change; and generally relating to the  
10 issuance of entertainment permits in Prince George's County.

11 BY repealing and reenacting, without amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 6–201(r)(1)(i)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2010 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article 2B – Alcoholic Beverages  
18 Section 6–201(r)(19)  
19 Annotated Code of Maryland  
20 (2005 Replacement Volume and 2010 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article 2B – Alcoholic Beverages**

24 6–201.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (r) (1) (i) This subsection applies only in Prince George's County.

2 (19) (I) A LICENSE HOLDER THAT SEEKS TO PROVIDE  
3 ENTERTAINMENT IS NOT REQUIRED TO OBTAIN A PERMIT UNDER THIS  
4 PARAGRAPH IF:

5 1. THE LICENSE IS ISSUED UNDER PARAGRAPH (3),  
6 (9), (10), (11), (12), (13), (16), OR (17) OF THIS SUBSECTION OR § 5-201(R)(4)  
7 OF THIS ARTICLE; OR

8 2. THE BOARD OF LICENSE COMMISSIONERS  
9 DETERMINES THAT THE HOLDER'S PRINCIPAL BUSINESS IS TO PROVIDE FAMILY  
10 ENTERTAINMENT.

11 [(i)] (II) There is a special entertainment permit that the  
12 Board [of License Commissioners] may issue to a holder of any Class B (on-sale)  
13 license in accordance with this paragraph.

14 [(ii)] (III) The Board shall determine the number of days in a  
15 week that a permit holder may exercise the privileges of the permit.

16 [(iii)] (IV) 1. Before approving an application for and issuing  
17 a permit under this paragraph, the Board shall hold a public hearing in accordance  
18 with the requirements for a public hearing on an application for a license under §  
19 10-202(i) of this article.

20 2. At the public hearing, the Board shall give the  
21 applicant, supporters of the applicant, and opponents of the applicant an opportunity  
22 to be heard.

23 3. In making its determination whether to approve the  
24 application and issue the permit, the Board shall consider whether:

25 A. Approval and issuance of the permit is necessary for  
26 the accommodation of the public;

27 B. The applicant is a fit person to receive the permit;

28 C. The applicant has made any material false statement  
29 in the application;

30 D. The applicant has committed any fraudulent act in  
31 connection with the application;

1 E. The operation of the business, if the permit is issued,  
 2 will unduly disturb the peace of the residents of the neighborhood where the place of  
 3 business is located or to be located; and

4 F. There are any other reasons that justify the  
 5 disapproval of the application or the refusal to issue the permit.

6 4. The Board shall hold a similar public hearing on  
 7 receipt of a petition to:

8 A. Revoke an entertainment permit; or

9 B. Protest the renewal of an entertainment permit.

10 [(iv)] (v) 1. The permit authorizes the holder [after 9 p.m.  
 11 and until 2 a.m. the following day] **THAT COMPLIES WITH ALL REQUIREMENTS**  
 12 **UNDER COUNTY LAW** to impose a cover charge, offer facilities for patron dancing, and  
 13 provide entertainment.

14 2. **THE PERMIT IS VALID AFTER 9 P.M. UNTIL 2 A.M.**  
 15 **THE FOLLOWING DAY.**

16 [(v)] (vi) Before being issued a permit, an applicant shall:

17 1. Submit evidence to the satisfaction of the Board that  
 18 the applicant:

19 A. Holds a Class B (on-sale) license; and

20 B. Meets all other entertainment permit requirements;  
 21 and

22 2. A. Develop a security plan to prevent the premises  
 23 for which the permit is sought from posing a threat to the peace and safety of the  
 24 surrounding area; and

25 B. Submit the plan for review to the Board and the Chief  
 26 of the Prince George's County Police Department.

27 [(vi)] (vii) 1. The Chief of the Prince George's County Police  
 28 Department may submit comments to the Board on the adequacy of the security plan  
 29 within 30 days after receipt of the plan.

30 2. The Board shall consider the comments, if any, of the  
 31 Chief of Police and subsequently issue the permit, refuse to issue the permit, or  
 32 condition the issuance of the permit on changes to the security plan.

1                   3.     If the Board issues the permit with a security plan  
2 that the Chief of the Prince George's County Police Department does not support, the  
3 Board shall specify in writing to the Chief the reasons why the Board has determined  
4 that the security plan is adequate.

5                   4.     Each permit holder shall follow the approved security  
6 plan at all times when the permit holder exercises the privileges of the permit.

7                   [(vii)] (VIII)   A holder of the permit:

8                   1.     Shall implement the security plan; and

9                   2.     [May] **WHEN THE PRIVILEGES AUTHORIZED BY**  
10 **THE PERMIT ARE BEING EXERCISED, MAY** not allow an individual who is under the  
11 age of 21 years on the premises for which the permit is issued, unless the individual is  
12 employed by or is an immediate family member of the holder.

13                   [(viii)] (IX)   The Board at any time may prohibit, condition, or  
14 restrict the type of entertainment offered by a holder of the permit, including lewd,  
15 exotic, loud, or raucous entertainment, if after a hearing the Board determines that  
16 the entertainment adversely impacts or unduly disturbs the community and is not  
17 conducive to the peace, health, welfare, or safety of the residents of the County.

18                   [(ix)] (X)     The annual fee for the permit is \$1,500, which is in  
19 addition to the annual fee for the Class B license.

20                   [(x)] (XI)     A permit holder may employ sworn security personnel  
21 as part of the security plan if the sworn security personnel have full police powers in  
22 the jurisdiction where the premises of the permit holder is located.

23                   [(xi)] (XII)   1.     The circuit court may issue a temporary  
24 restraining order to immediately close to the public the entire operation of the  
25 premises if the County establishes that the security plan has not been implemented  
26 and that the public health, safety, or welfare requires emergency action.

27                   2.     On issuance of a temporary restraining order under  
28 subsubparagraph 1 of this subparagraph, the County shall give the permit holder  
29 written notice of and reasons for the closure.

30                   3.     The permit holder promptly shall be given an  
31 opportunity for a hearing in circuit court on the granting of the temporary restraining  
32 order in accordance with Chapter 500 of the Maryland Rules.

33                   [(xii)] (XIII) Subject to subparagraph [(xiii)] (XIV) of this  
34 paragraph, the Board may immediately suspend a permit if the Board reasonably  
35 believes that the permit holder violated this paragraph.

1                    [(xiii)] (XIV) If the Board immediately suspends a permit, the  
2 Board shall:

3                    1. Give the permit holder notice of the suspension and a  
4 hearing on the suspension at which the permit holder may be heard and present  
5 evidence; and

6                    2. Hold the hearing within 30 days after the suspension  
7 is imposed.

8                    [(xiv)] (XV) At the hearing, the Board shall determine:

9                    1. Whether the permit holder violated this paragraph;  
10 and

11                    2. If a violation occurred, what penalty to impose among  
12 those listed in subparagraphs [(xv) and] (xvi) AND (XVII) of this paragraph.

13                    [(xv)] (XVI) Subject to subparagraph [(xvi)] (XVII) of this  
14 paragraph, if the Board finds that a person has violated this paragraph, the Board:

15                    1. May revoke or continue the suspension of the permit;  
16 and

17                    2. Shall impose on the person a penalty of:

18                    A. For a first offense, at least \$1,000 but not more than  
19 \$12,500; and

20                    B. For each subsequent offense, at least \$5,000.

21                    [(xvi)] (XVII) The Board:

22                    1. Shall revoke the permit of a person who the Board  
23 determines violated this paragraph twice within a 24-month period; and

24                    2. Until at least 12 months after the order of revocation  
25 was issued, may not consider an application from the person for a new permit or an  
26 application for a new permit for the premises that was the subject of the revocation.

27                    [(xvii)] (XVIII) If the Board determines that the permit holder  
28 did not violate this paragraph, the Board shall immediately reinstate the permit.

29                    [(xviii)] (XIX) The Board of License Commissioners shall  
30 adopt regulations to carry out this paragraph.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   July 1, 2011.